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Application No. 10/791,536  
Attorney Docket No. 8964-000010/US

## AMENDMENTS TO THE CLAIMS

The following is a complete, marked up listing of revised claims with a status identifier in parentheses, underlined text indicating insertions, and strikethrough and/or double-bracketed text indicating deletions.

### LISTING OF CLAIMS

1. (CURRENTLY AMENDED) A method for generating an adult oviparous teleost ornamental fish, comprising:
  - (a) generating a transgenic oviparous fish, wherein:
    - the genome of the transgenic fish comprises:
      - ~~one or more transgenes at least one of which encodes a fluorescent protein, and a transgene comprising a gene encoding a fluorescent product~~
      - operably linked to  $\alpha$ -actin or  $\beta$ -actin promoter and flanking ITR fragments;
      - ~~an  $\alpha$ -actin or  $\beta$ -actin promoter which is operably linked to the transgene encoding the fluorescent protein, and~~
      - ~~the transgenic fish expresses the fluorescent protein encoded by the transgene;~~
  - (b) breeding the transgenic oviparous fish with a fish selected from the same or different species with different phenotype or pattern to obtain transgenic progeny; and
  - (c) screening the transgenic progeny ~~at a mature phase of development and selecting those transgenic progeny that exhibit~~ for those exhibiting a phenotype or pattern unlike either parent fish, and
  - (d) growing the transgenic progeny until adult stage.
2. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the transgenic fish and the fish with different phenotype or pattern are the same family, genus, or species.
3. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the transgenic fish and the fish with different phenotype or pattern are different family, genus, or species.

4. (CANCELLED)

5. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the fluorescent protein is selected from the group consisting of green fluorescent protein (GFP), modified green fluorescent protein, enhanced green fluorescent protein (EGFP), red fluorescent protein (RFP), enhanced red fluorescent protein (ERFP), blue fluorescent protein (BFP), enhanced blue fluorescent protein (EBFP), yellow fluorescent protein (YFP), enhanced yellow fluorescent protein (EYFP), cyan fluorescent protein (CFP), and enhanced cyan fluorescent protein (ECFP).

6. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the fluorescent protein is selected from the group consisting of green fluorescent protein (GFP), modified green fluorescent protein, enhanced green fluorescent protein (EGFP), red fluorescent protein (RFP), enhanced red fluorescent protein (ERFP), blue fluorescent protein (BFP), and enhanced blue fluorescent protein (EBFP).

7. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the fluorescent protein is selected from the group consisting of green fluorescent protein (GFP), modified green fluorescent protein, enhanced green fluorescent protein (EGFP), red fluorescent protein (RFP), and enhanced red fluorescent protein (ERFP).

8. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the phenotype of the fish with different phenotype or pattern is selected from the group consisting of colors, body shapes, body sizes, body transparency, grain colors, stripe colors, fin shapes, fin sizes, tail shape, tail sizes, eye color, eye shapes, and any observable phenotypic differences from those of the transgenic fish.

9. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the phenotype of the fish with different phenotype or pattern is selected from the group consisting of colors, body shapes, body transparency, grain colors, and stripe colors.

10. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the pattern of the fish with different phenotype or pattern is selected from the group consisting of grain patterns, stripe patterns, and swimming patterns.

11. (CURRENTLY AMENDED) The method as set forth in claim 4, wherein the transgenic fish and the fish with different phenotype or pattern are independently selected from the group consisting of ~~Cichlidae, Fighting fish, Catfish, Characidae, Cyprinidae, and Killifish.~~

12-15. (CANCELLED)

16. (PREVIOUSLY PRESENTED) The method as set forth in claim 11, wherein the Cyprinidae is selected from the group consisting of *Cyprinus*, *Brachydanio*, *Danio*, and *Carassius*.

17. (PREVIOUSLY PRESENTED) The method as set forth in claim 11, wherein the Killifish is selected from the group consisting of Medaka and Rivulines.

18. (PREVIOUSLY PRESENTED) The method as set forth in claim 16, wherein the Cyprinidae is selected from the group consisting of *D. acrostomus*, *D. aequipinnatus*, *D. malabaricus*, *D. albolineatus*, *D. unimaculatus*, *D. apogon*, *D. apopyris*, *D. assamensis*, *D. choprae*, *D. chrysotaeniatum*, *D. dangila*, *D. devario*, *D. fangfangae*, *D. frankei*, *D. fraseri*, *D. gibber*, *D. interruptus*, *D. kakhienensis*, *D. kyathit*, *D. laoensis*, *D. leptos*, *D. maetaengensis*, *D. malabaricus*, *D. naganensis*, *D. nellgherriensis*, *D. nigrofasciatus*, *D. pathirana*, *D. regina*, *D. rerio*, *D. roseus*, *D. salmonata*, *D. shanensis*, *D. spinosus*, *Brachydanio frankei*, and *Brachydanio sp.*

19. (PREVIOUSLY PRESENTED) The method as set forth in claim 17, wherein the medaka is selected from the group consisting of *Oryzias javanicus*, *Oryzias latipes*, *Oryzias nigrimas*, *Oryzias luzonensis*, *Oryzias profundicola*, *Oryzias mutanensis*, *Oryzias mekongensis*, *Oryzias minutillus*, *Oryzias melastigma*, *O. curvinotus*, *O. celebensis*, *X. oophorus*, and *X. saracinorum*.

20. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the new transgenic progeny is selected from the group consisting of *Cichlasoma*, TK1 red  $\times$  *O. curvinotus*, TK1 green  $\times$  *O. curvinotus*, TK2 red  $\times$  *Brachydanio frankei*, TK2 red  $\times$  *Brachydanio sp.*, TK2 green  $\times$  *Brachydanio frankei*, TK2 green  $\times$  *Brachydanio sp.*, and Purple Zebra Fish.

21. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the new transgenic progeny is selected from the group consisting of TK1 red  $\times$  *O. curvinotus*, TK1 green  $\times$  *O. curvinotus*, TK2 red  $\times$  *Brachydanio frankei*, TK2 red  $\times$  *Brachydanio sp.*, and Purple Zebra Fish.

22. (PREVIOUSLY PRESENTED) The method as set forth in claim 1, wherein the new transgenic progeny is selected from the group consisting of TK2 red  $\times$  *Brachydanio frankei* and TK2 red  $\times$  *Brachydanio sp.*

23. (CURRENTLY AMENDED) ~~The~~ An ornamental fish which is prepared from the transgenic progeny that exhibit a phenotype or pattern unlike either parent fish selected according to the method of Claim 1.

24. (PREVIOUSLY PRESENTED) The fish as set forth in claim 23, wherein the fish is selected from the group consisting of TK1 red  $\times$  *O. curvinotus*, TK1 green  $\times$  *O. curvinotus*, TK2 red  $\times$  *Brachydanio frankei*, TK2 red  $\times$  *Brachydanio sp.*, and Purple Zebra Fish.